

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

11 CV 6/1/8  
Gardesph

## PLAINTIFFS

Lehman Brothers Holdings Inc.

## DEFENDANTS

Barclays Capital Inc.

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jones Day, 222 E. 41st Street New York, New York 10017,  
(212)326-3939

## ATTORNEYS (IF KNOWN)

Boies, Schiller & Flexner LLP, 575 Lexington Ave. New York,  
New York 10022, (212)446-2300CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 158, Appeal from July 15, 2011 SDNY Bankr. order denying LBHI's motion for Rule 60(b) relief

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

08-13555 # 16844 7/28/11

## ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	DRUG RELATED	28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	SEIZURE OF		<input type="checkbox"/> 450 COMMERCE
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	PROPERTY		<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	21 USC 881	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 470 RACKETEER INFLU-
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 630 LIQUOR LAWS		ENCED & CORRUPT
ENFORCEMENT OF	LIABILITY		<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	ORGANIZATION ACT
JUDGMENT	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	(RICO)
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 660 OCCUPATIONAL	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	SAFETY/HEALTH		<input type="checkbox"/> 490 CABLE/SATELLITE TV
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 690 OTHER	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 SELECTIVE SERVICE
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	PROPERTY DAMAGE			<input type="checkbox"/> 850 SECURITIES/
(EXCL VETERANS)	PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE	<b>LABOR</b>	<input type="checkbox"/> 861 HIA (1395ff)	COMMODITIES/
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	EXCHANGE
OVERPAYMENT OF	INJURY		STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 CUSTOMER
VETERAN'S BENEFITS			LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	CHALLENGE
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	12 USC 3410
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> 730 LABOR/MGMT		<input type="checkbox"/> 890 OTHER STATUTORY
<input type="checkbox"/> 195 CONTRACT PRODUCT			REPORTING &	<b>FEDERAL TAX SUITS</b>	ACTIONS
LIABILITY			DISCLOSURE ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> 740 RAILWAY LABOR ACT	Defendant)	<input type="checkbox"/> 892 ECONOMIC
	<b>ACTIONS UNDER STATUTES</b>		<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	STABILIZATION ACT
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	LITIGATION	26 USC 7609	<input type="checkbox"/> 893 ENVIRONMENTAL
<b>REAL PROPERTY</b>	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 791 EMPL RET INC		MATTERS
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE	SECURITY ACT		<input type="checkbox"/> 894 ENERGY
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 443 HOUSING/	20 USC 2255			ALLOCATION ACT
<input type="checkbox"/> 230 RENT LEASE &	ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 462 NATURALIZATION		<input type="checkbox"/> 895 FREEDOM OF
EJECTMENT	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY	APPLICATION		INFORMATION ACT
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 463 HABEAS CORPUS-		<input type="checkbox"/> 900 APPEAL OF FEE
<input type="checkbox"/> 245 TORT PRODUCT	DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS	ALIEN DETAINEE		DETERMINATION
LIABILITY	EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 465 OTHER IMMIGRATION		UNDER EQUAL ACCESS
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> 446 AMERICANS WITH		ACTIONS		TO JUSTICE
REAL PROPERTY	DISABILITIES-OTHER				<input type="checkbox"/> 950 CONSTITUTIONALITY
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

**IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[ ] 1	[ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[ ] 3	[ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[ ] 5	[ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Lehman Brothers Holdings Inc., 1271 Avenue of the Americas, New York, New York 10020, New York County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Barclays Capital Inc., 745 Seventh Avenue New York, New York 10019, New York County

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

☒ YES (DATE ADMITTED Mo. APRIL Yr. 1996)

Attorney Bar Code # 1599588

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)